

RECEIVED
CENTRAL FAX CENTER

APR 21 2009

2009 APR 23 PM 4:32

ROCKEY, DEPKE & LYONS, LLC233 S. WACKER DRIVE, SUITE 5450
CHICAGO, ILLINOIS 60606
Prt: (312) 277-2006
FX: (312) 441-0570**FACSIMILE TRANSMISSION**TOTAL PAGES (Including Cover Page) 6DATE: 4/21/09Commissioner of Patents and Trademarks
TO: Examiner: Refund Branch FROM: Robert J. Depke, Reg. No. 37,607FAX NO: (571) 273-8500MAIN FAX NO.: (312)441-0570
ALTERNATE FAX NO: (312)876-1325*If you experience any difficulty with this transmission, please call (312) 277-2006 for assistance.***ORIGINAL COPY AND ENCLOSURES**

___ WILL BE SENT BY ___ MAIL ___ COURIER

☒ WILL NOT BE SENT**NOTES:**Inventor: Atsushi Kato
Serial No.: 10/714,021
Art Unit: 1773
Filed: November 13, 2003
Attorney Ref.: 075834.00447**CERTIFICATION OF FACSIMILE TRANSMISSION**I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile no. 1-571-273-8500 on 4/21/09
21

Robert J. Depke

IMPORTANT NOTICE

This transmission (including all attached pages) is intended only for the use of the named addressee(s), and may contain information that is privileged or exempt from disclosure under applicable law. **IF YOU ARE NOT A NAMED ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS TRANSMISSION IS STRICTLY PROHIBITED.** If you have received this transmission in error, please destroy all copies and notify us immediately at this telephone number: (312) 277-2006.

APR 21 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO
RECEIVED ACCOUNTING

Appl. No.: 10/714,021
Applicant: Atsushi Kato et al.
Filed: November 13, 2003
TC/A.U.: 1773
Examiner: Kevin M. Bernatz
Docket No.: 075834.0447

Confirmation No.: 1983

2009 APR 23 PM 4:32

REQUEST FOR REFUND

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

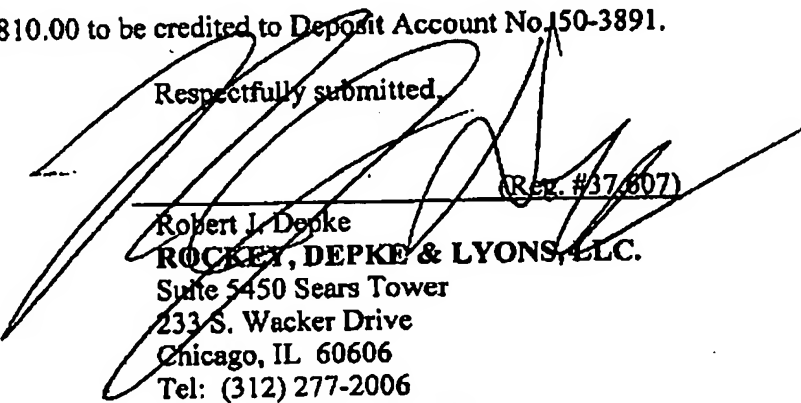
With regard to the above-noted application, Applicants hereby request a refund of \$810.00 to be credited to Deposit Account No. 50-3891.

On March 11, 2009, we filed an amendment in response to a final office action, including a request for continuing examination and a request for three-month extension. On March 13, 2009 our deposit account was accordingly charged the amount due of \$810.00 (USPTO Fee Code 1801) for the R.C.E. However, on March 16, 2009 our deposit account was charged again the amount of \$810.00 (USPTO Fee Code 1801). See copy of statement attached.

Therefore, please refund \$810.00 to be credited to Deposit Account No. 50-3891.

Respectfully submitted,

Date: 4/21/09


(Reg. #37,607)
Robert J. Depke
ROCKEY, DEPKE & LYONS, LLC.
Suite 5450 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606
Tel: (312) 277-2006
Attorney for Applicants

APR 21 2009

PTO/SB/21 (09-04)

Approved for use through 07/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/714,021
	Filing Date	Nov 13, 2003
	First Named Inventor	Atsushi Kato et al.
	Art Unit	1773
	Examiner Name	Kevin M. Bernatz
Total Number of Pages in This Submission	Attorney Docket Number	075834.00447

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of March/2009 Deposit Account Statement
Remarks The Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Rockey, Depke & Lyons, LLC.		
Signature			
Printed name	Robert J. Depke		
Date	4/21/09	Reg. No.	37,807

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Robert J. Depke
Date	4/21/09

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8189 and select option 2.

RECEIVED
CENTRAL FAX CENTER

APR 21 2009

United States
Patent and
Trademark Office

Return to:

USPTO
Home
PageFinance
Online
Shopping
PageDeposit Account Statement

Requested Statement Month: March 2009
 Deposit Account Number: 503891
 Name: ROCKEY, DEPKE & LYONS, LLC.
 Attention: DENICE R. DURHAM
 Street Address 1: SUITE 6450 SEARS TOWER
 Street Address 2:
 City: CHICAGO
 State: IL
 Zip: 60606-6306
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/02	2148	12394730	075834.01237	1011	\$330.00	\$18,569.00
03/02	2149	12394730	075834.01237	1111	\$540.00	\$18,029.00
03/02	2150	12394730	075834.01237	1311	\$220.00	\$17,809.00
03/02	4347	12394975	075834.01238	1011	\$330.00	\$17,479.00
03/02	4349	12394975	075834.01238	1311	\$220.00	\$17,259.00
03/02	4348	12394975	075834.01238	1111	\$540.00	\$16,719.00
03/02	15470	77029277	112461.00051	7004	\$300.00	\$16,419.00
03/03	9	11329746	075834.00799	1251	\$130.00	\$16,289.00
03/03	55	11414064	075834.00825	1251	\$130.00	\$16,159.00
03/03	56	11414064	075834.00825	1814	\$140.00	\$16,019.00
03/03	86	11980016	075834.01102	1251	\$130.00	\$15,889.00
03/03	87	11980016	075834.01102	1814	\$140.00	\$15,749.00
03/03	14533	12297427	075834.01106	8021	\$40.00	\$15,709.00
03/04	1	11298049	075834.00776	1253	\$1,110.00	\$14,599.00
03/04	2	11298049	075834.00776	1801	\$810.00	\$13,789.00
03/05	9	12074026	004035.00008	2251	\$85.00	\$13,724.00
03/05	25	11975778	075834.01093	1814	\$140.00	\$13,584.00
03/06	16	10476628	075834.00327	1501	\$1,510.00	\$12,074.00
03/06	17	10476628	075834.00327	1504	\$300.00	\$11,774.00
03/06	34	11203395	075834.00727	1251	\$130.00	\$11,644.00
03/06	66	12390925	075834.01227	1051	\$130.00	\$11,514.00
03/09	697	E-REPLENISHMENT		9203	-\$5,000.00	\$16,514.00
03/08	2383	12399519	084016.00064	4011	\$82.00	\$16,432.00
03/09	2384	12399519	084016.00064	2111	\$270.00	\$16,162.00
03/09	2385	12399519	084016.00064	2311	\$110.00	\$16,052.00
03/09	43	09841582	075834.00071	1253	\$1,110.00	\$14,942.00
03/09	12112	11632881	075834.00830	8021	\$40.00	\$14,902.00
03/10	38	11251430	075834.00779	1501	\$1,510.00	\$13,392.00
03/10	39	11251430	075834.00779	1504	\$300.00	\$13,092.00
03/10	50	10945503	075834.00569	1801	\$810.00	\$12,282.00

RECEIVED
CENTRAL FAX CENTER

04/21/2009 TUE 16:15 FAX 13127048137

0005/006

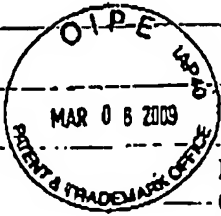
APR 21 2009

03/10 3	10373477	075834.00289 1253	\$1,110.00	\$11,172.00
03/10 13448	11632681	075834.00830 8021	\$40.00	\$11,132.00
03/11 6	11298771	075834.00774 1252	\$490.00	\$10,842.00
03/11 7	11108302	075834.00640 1501	\$1,510.00	\$9,132.00
03/11 8	11106302	075834.00640 1504	\$300.00	\$8,832.00
03/11 10345	E-REPLENISHMENT	9203	-\$10,000.00	\$18,832.00
03/11 2	10502117	075834.00270 1253	\$620.00	\$18,212.00
03/12 150	2895936	114083.00076 7205	\$100.00	\$18,112.00
03/12 151	2895936	114083.00076 7208	\$200.00	\$17,912.00
03/12 4841	11632681	075834.00830 1817	\$130.00	\$17,782.00
03/12 52	10555368	075834.00504 1501	\$1,510.00	\$16,272.00
03/12 53	10555368	075834.00504 1504	\$300.00	\$15,972.00
03/12 54	11229409	075834.00744 1501	\$1,510.00	\$14,462.00
03/12 55	11229409	075834.00744 1504	\$300.00	\$14,162.00
03/12 56	11591994	075834.00903 1501	\$1,510.00	\$12,652.00
03/12 57	11591994	075834.00903 1504	\$300.00	\$12,352.00
03/12 9	11438114	075834.00829 1253	\$1,110.00	\$11,242.00
03/12 10	11438114	075834.00829 1801	\$810.00	\$10,432.00
03/12 9	10503413	075834.00294 1801	\$810.00	\$9,622.00
03/12 11	10503413	075834.00294 1252	\$490.00	\$9,132.00
03/12 11379	E-REPLENISHMENT	9203	-\$10,000.00	\$19,132.00
03/13 4244	11607756	075834.00852 1251	\$130.00	\$19,002.00
03/13 6753	12403222	004035.00013 4011	\$82.00	\$18,920.00
03/13 6756	12403222	004035.00013 2202	\$104.00	\$18,816.00
03/13 6755	12403222	004035.00013 2311	\$110.00	\$18,706.00
03/13 6754	12403222	004035.00013 2111	\$270.00	\$18,436.00
03/13 7066	PCT/US09/37005	004035.00014 1801	\$240.00	\$18,196.00
03/13 7067	PCT/US09/37005	004035.00014 1602	\$2,080.00	\$16,116.00
03/13 7068	PCT/US09/37005	004035.00014 1710	\$1,028.00	\$15,088.00
03/13 41	11974266	075834.01097 1501	\$1,510.00	\$13,578.00
03/13 42	11974266	075834.01097 1504	\$300.00	\$13,278.00
03/13 35	10474482	075834.00297 1801	\$810.00	\$12,468.00
03/13 38	10474482	075834.00297 1253	\$1,110.00	\$11,358.00
03/13 37	11298771	075834.00774 1252	\$490.00	\$10,868.00
03/13 38	10267571	075834.00191 1252	\$490.00	\$10,378.00
* 03/13 48	10714021	075834.00447 1801	\$810.00	\$9,568.00
03/13 71	11890817	075834.01070 1814	\$140.00	\$9,428.00
03/13 12720	E-REPLENISHMENT	9203	-\$10,000.00	\$18,428.00
03/16 18	11473776	075834.00845 1251	\$130.00	\$19,298.00
* 03/16 63	10714021	075834.00447 1801	\$810.00	\$18,488.00
03/16 64	10714021	075834.00447 1253	\$1,110.00	\$17,378.00
03/17 3485	E-REPLENISHMENT	9203	-\$10,000.00	\$27,378.00
03/17 7588	12405055	075834.01254 1011	\$330.00	\$27,048.00
03/17 7590	12405055	075834.01254 1311	\$220.00	\$26,828.00
03/17 7589	12405055	075834.01254 1111	\$540.00	\$26,288.00
03/17 26	10884734	075834.00518 1501	\$1,510.00	\$24,778.00
03/17 27	10884734	075834.00518 1504	\$300.00	\$24,478.00
03/17 28	11105941	075834.00641 1501	\$1,510.00	\$22,968.00
03/17 29	11105941	075834.00641 1504	\$300.00	\$22,668.00
03/17 36	11467127	084016.00038 2501	\$755.00	\$21,913.00
03/17 37	11467127	084016.00038 1504	\$300.00	\$21,613.00
03/17 98	10574152	07583400586 1253	\$1,110.00	\$20,503.00

03/17 99	10574152	07583400566 1801	\$810.00	\$19,693.00
03/17 101	10838626	075834.00491 1251	\$130.00	\$19,563.00
03/17 102	10838626	075834.00491 1801	\$810.00	\$18,753.00
03/17 103	11825579	075834.01030 1252	\$490.00	\$18,263.00
03/17 29	11053626	075834.00607 1251	\$130.00	\$18,133.00
03/17 30	11053626	075834.00607 1814	\$140.00	\$17,993.00
03/17 31	11110056	075834.00623 1252	\$490.00	\$17,503.00
03/17 32	11252809	075834.00756 1801	\$810.00	\$16,693.00
03/17 119	10458589	075834.00388 1251	\$130.00	\$16,563.00
03/18 13	12075044	004035.00005 2051	\$65.00	\$16,498.00
03/18 5	11981334	075834.01090 1253	\$1,110.00	\$15,388.00
03/18 23	10806201	092970.00002 2253	\$555.00	\$14,833.00
03/19 2479	12406580	115981.00001 1011	\$330.00	\$14,503.00
03/19 2480	12406580	115981.00001 1111	\$540.00	\$13,963.00
03/19 2481	12406580	115981.00001 1311	\$220.00	\$13,743.00
03/19 2482	12406580	115981.00001 1202	\$936.00	\$12,807.00
03/19 53	11981407	075834.01089 1253	\$1,110.00	\$11,697.00
03/19 13348	E-REPLENISHMENT	9203	-\$15,000.00	\$26,697.00
03/20 3613	11467127	084016.00038 8021	\$40.00	\$26,657.00
03/20 48	11284050	075834.00767 1504	\$300.00	\$26,357.00
03/20 49	11284050	075834.00767 1501	\$1,510.00	\$24,847.00
03/20 61	09876411	075834.00086 1501	\$1,510.00	\$23,337.00
03/20 62	09876411	075834.00086 1504	\$300.00	\$23,037.00
03/23 5588	12408459	075834.01256 1011	\$330.00	\$22,707.00
03/23 5589	12408459	075834.01256 1111	\$540.00	\$22,167.00
03/23 5590	12408459	075834.01256 1311	\$220.00	\$21,947.00
03/23 20	10428411	075834.00359 1253	\$1,110.00	\$20,837.00
03/23 25	11981458	075834.01088 1253	\$1,110.00	\$19,727.00
03/23 7	10273529	075834.00192 1253	\$1,110.00	\$18,617.00
03/24 98	10523331	075834.00424 1251	\$130.00	\$18,487.00
03/24 111	11222128	075834.00746 1501	\$1,510.00	\$16,977.00
03/24 112	11222128	075834.00746 1504	\$300.00	\$16,677.00
03/24 116	11193084	075834.00712 1501	\$1,510.00	\$15,167.00
03/24 117	11193084	075834.00712 1504	\$300.00	\$14,867.00
03/24 140	11495427	075834.00865 1501	\$1,510.00	\$13,357.00
03/24 141	11495427	075834.00865 1504	\$300.00	\$13,057.00
03/25 6	11711544	075834.01000 1253	\$1,110.00	\$11,947.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$18,899.00	\$66,952.00	\$60,000.00	\$11,947.00

[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#)



MAIL STOP MISSING PARTS
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

RECEIVED
2009 APR 23 11:12:50
USPTO

To Whom It May Concern:

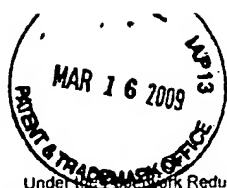
I am trying to patent a product. All of the materials are not sufficient for the product I am trying to patent. I do not have anymore money to get these pictures professionally done.

Therefore, I would like you to refund the money I sent to patent this product. I am merely a civilian and am not up to par with all the lingo. Thank you I hope you can send me the application money back.

Thank you

Sincerely,

Lynn DaSilva
Application 12/231,403



PTO/SB/30 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/714,021
Filing Date	11/13/2003
First Named Inventor	Atsushi Kato et al.
Art Unit	1773
Examiner Name	Kevin M. Bernatz
Attorney Docket Number	075834.00447

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____
2. **Miscellaneous**
- ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-3891. I have enclosed a duplicate copy of this sheet.
- a. ☒
- i. ☒ RCE fee required under 37 CFR 1.17(e) | 03/16/2009 SSESHE1 00000030 503891 10714021
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) | 01 FC:1801 810.00 DA
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	3/12/09
Name (Print/Type)	Robert J. Depke	Registration No.	37,607

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	3/12/09
Name (Print/Type)	Robert J. Depke		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjusted date: 04/30/2009 SDIRETA1
03/16/2009 SSESHE1 00000030 503891 10714021
01 FC:1801 810.00 CR